

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12795, of L. N. Porter and Sons, pursuant to Sub-section 8207.2 and Paragraph 8207.11 of the Zoning Regulations, for a special exception under Paragraph 3105.42 allowing a new residential development and for variances to allow a dwelling without a rear yard on a theoretical lot (Sub-section 7615.2) to allow parking within the front yard of a dwelling (Paragraph 7205.12) and from the open court width requirements (Sub-section 3306.1) to permit a new residential development comprising of thirteen row dwellings and one detached dwelling in an R-5-A District at the premises 918, 920, 920½, 922½, 924, 924½, 926½, 928, 928½, 930, 930½ and 932 Eastern Avenue, N.E., (Square 5203, Lot 853).

HEARING DATE: December 13, 1978
DECISION DATE: January 10, 1979

FINDINGS OF FACT:

1. The subject property is located on the southwest side of Eastern Avenue between Division Avenue and Hunt Place, known as 924 Eastern Avenue, N.E.
2. The site consists of 35,541 square feet of land area, and is developed with a two story stucco detached dwelling, several large trees and a driveway fronting on Eastern Avenue.
3. The applicant is proposing to develop the subject property with thirteen row dwellings, one detached dwelling and twenty-two off-street parking spaces. The dwellings will be arranged in a row roughly perpendicular to Eastern Avenue, three stories in height and constructed of brick and siding. The units will each be comprised of three bedrooms, 2 1/2 baths, living, dining and kitchen areas. According to the applicant the units will be sold in fee simple.
4. To the north and northeast of the site are single family detached dwellings. To the south and southwest are row dwellings detached single family dwellings and apartment buildings in the R-5-A and R-2 Districts.
5. The proposed dwellings have theoretical lot lines and a combined total of twenty-two off-street parking spaces, located across a driveway within theoretical front yards of the dwellings.

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4. To the north and northeast of the site are single family detached dwellings. To the south and southwest are row dwellings detached single family dwellings and apartment buildings in the R-5-A and R-2 Districts.

5. The proposed dwellings have theoretical lot lines and a combined total of twenty-two off-street parking spaces, located across a driveway within theoretical front yards of the dwellings.

6. The proposed twenty-two parking spaces are designed as pull-in spaces with a ninety degree angle.

7. The building which faces Eastern Avenue, known as 932 Eastern Avenue, by definition is considered a detached dwelling. This dwelling is the only one of the fourteen houses which has frontage on Eastern Avenue. That unit will therefore have two designated side yards and no rear yard. Thus a variance of the full rear yard or twenty feet is needed.

8. The proposed row dwelling numbered 918 Eastern Avenue has an open court created by the angled nature of the lot line. The court is required to have an open court width of six feet. None is proposed to be provided. Thus a variance is needed.

9. By memorandum dated November 21, 1978, the Department of Transportation reported that the proposed development will contribute no measurable traffic impact on the surrounding neighborhood streets. The Board so finds.

10. The Municipal Planning Office, by report dated November 7, 1978, recommended that the application be approved, subject to the condition that the applicant install and maintain the following:

- a. A minimum four foot wide landscaped strip between the parking spaces and the north-western side lot line.
- b. A six foot high light-tight fence along the north and west lot line, parallel to the parking spaces. This fence shall be installed on a raised concrete footing to insure the protection of the fence as well as direct water run-off from the parking lot away from the adjoining property.
- c. Automobile wheel stops^s in each parking space to insure the protection of the landscaping and fence from the automobile bumpers.

With the condition as specified, the MPO reported that the proposed development would be in harmony with the intent and purpose of the Zoning Regulations and Maps and will not tend to adversely affect the use of neighboring properties. The Board so finds.

11. The Department of Housing and Community Development was notified of the application but no recommendation was received.

12. The Superintendent of Schools, by memorandum dated October 18, 1978, reported that there will be no impact upon school facilities by construction of the proposed project. The Board so finds.

13. Advisory Neighborhood Commission 7C, voted no objection to the application provided that the developer should address the following concerns:

1. A method for the effective collection of refuse, so that it is not set out along Eastern Avenue.
2. Adequate space for entrance and exit of emergency equipment including fire, trucks, ambulances, etc.
3. Even though there are enough parking spaces planned to meet the requirements, more parking spaces should be provided which would help to accommodate item 2.

14. At the public hearing held on December 13, 1978, the applicant presented an alternative site plan, which arranged the houses in two groups of seven each, one group located in the same line as the original proposal, the second group located parallel to and facing away from the rear lot line. The alternative plan eliminated the need for the court variance, since the court itself was eliminated.

15. In either alternative, the variance for parking in front of the dwelling would be required. The lot is considerably deeper than it is wide, there is no alley access to the side or rear of the property and it would create a severe difficulty to the applicant to find a location for the parking in any place other than in front of the buildings.

16. The Chairman of Advisory Neighborhood Commission 7C, at the hearing, reported his organization's preference for the revised plan.

17. At the hearing, the Board requested the Municipal Planning Office to report on how on-site trash pick-up could be arranged between the applicant and the Department of Environmental Services.

18. The Municipal Planning Office, by memorandum dated December 18, 1978, stated that a legal agreement between the developer and the city for on-site trash pick-up was possible after the developer made a written request to the Department of Environmental Services. The agreement is necessary to protect the Department from being liable in the event damage is done to private property.

19. There was no opposition to the case.

CONCLUSIONS OF LAW:

The requested variances are area variances, the granting of which requires the showing of practical difficulty that relates to the property itself. The Board is of the opinion that the size and configuration of the lot does represent a practical difficulty and warrants a relief. The special exception is required for all new residential developments within the R-5-A District to determine if the site plan is adequate, there are adequate public facilities to serve the project, and the development will be in harmony with the existing community and the intentions of the Zoning Regulations and Maps.

The Board concludes that the proposed development will increase the stability within the neighborhood by providing opportunities for home ownership and also complies with all the requirements for a special exception. The Board concludes that it has accorded to the ANC the "great weight" to which it is entitled.

Accordingly, it is therefore ORDERED that the application is GRANTED SUBJECT to the following CONDITIONS:


1. The property shall be developed according to the plans submitted to the Board marked as Exhibit 30 of the record.
2. The applicant shall execute an agreement with the D.C. Department of Environmental Services regarding on-site collection of trash by the Department from the development prior to the issuance of a Certificate of Occupancy. The applicant shall file a copy of that agreement with the Board.

VOTE: 5-0 (Ruby B. McZier, Chloethiel Woodard Smith, William F. McIntosh, Leonard L. McCants and Charles R. Norris to GRANT).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

FINAL DATE OF ORDER: 16 FEB 1979

ATTESTED BY:


STEVEN E. SHER
Executive Director

Application No. 12795
Page 5

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.

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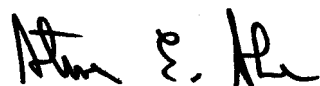
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